CITY COUNCIL ACTION REPORT

February 10, 2009

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Steven J. Vandette, City Engineer
Patricia A. Petitto, Real Estate Consultant, Greenstar & Associates, LLC

SUBJECT: Request for Acceptance of Permanent Public Utility Easement
Rochester Road Improvements, Torpey to Barclay
Project No. 99.203.5 – Parcel #54 – Sidwell #88-20-15-426-033
Bharati R. Samanta Living Trust

Background:

In connection with the proposed improvements to Rochester Road, from Torpey to Barclay, the Real Estate & Development Department received a Permanent Public Utility Easement from the Bharati R. Samanta Living Trust dated November 6, 1996, owner of the property at 991 Barclay. This parcel is located at the northwest corner of Barclay and Rochester Road, in the southeast ¼ of Section 15.

Financial Considerations:

- An appraisal was prepared by Raymond V. Bologna, CRE, MAI, Certified General Appraiser and reviewed by Kimberly Harper, Deputy Assessor and State Licensed Appraiser. Staff believes that $7,500 for the Permanent Public Utility Easement is a justifiable amount for this acquisition.
- Eighty percent of this cost will be reimbursed from Federal funds. Funds for the City of Troy's share are included in the 2008-09 Major Road fund, account number 401479.7989.992035.

Legal Considerations:

- The format and content of the easement is consistent with documents previously accepted by City Council.

Policy Considerations:

- The purpose of this project is to relieve congestion, improve safety and improve the flow of traffic. (Outcome Statements I, II and III)

Options:

- City Management recommends that City Council accept the attached Permanent Public Utility Easement from the Bharati R. Samanta Living Trust, so that the City can proceed with this project.

PERMANENT UTILITY EASEMENT

Sidwell #88-20-15-426-033
Parcel #54

Bharati R. Samanta, Trustee of the Bharati R. Samanta Living Trust, dated November 6, 1996, Grantors, whose address is: 991 Barclay, Troy, MI 48085 for and in consideration of the sum of: Seven Thousand, Five Hundred and no/100 Dollars ($7,500) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan 48084 grants to the Grantee a utility easement, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE ATTACHED EXHIBIT "A"

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee. Restoration will include replacement of the existing berm and 6' fence at their current location.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed 1 signature(s) this 9 day of February, 2008. 9

BHARATI R. SAMANTA LIVING TRUST DATED NOVEMBER 6, 1996

N/A (L.S.)
*Bharati R. Samanta, Trustee

(L.S.)
*Anamika Samanta

STATE OF ~~MICHIGAN~~ New York)
COUNTY OF New York)

The foregoing instrument was acknowledged before me this 9th day of February, 2008, by Bharati R. Samanta, Trustee of the Bharati R. Samanta Living Trust dated November 6, 1996.

LIANA M. GUZMAN
Notary Public, State of New York
No. 01GU6134062
Qualified in New York County
Commission Expires Sept 26, 2009

Notary Public, New York County, ~~Michigan~~ New York

Acting in New York County, Michigan

My Commission Expires Sept. 26, 2009

Prepared by: Patricia A. Petitto
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

02-29-08
19990476
20-15-426-033

EXHIBIT 'A'

DESCRIPTION OF PUBLIC UTILITY EASEMENT

The East 12.00 feet of Lot 125 "Cypress Gardens Subdivision" part of the Southeast ¼ of Section 15, T2N, R11E, City of Troy, Oakland County, Michigan, as recorded in Liber 126 of Plats, Page 7, 8 and 9, Oakland county Records.
Said easement contains 1,573 square feet, or 0.036 acres, more or less.

APPENDIX A

AFFIDAVIT

On February 9, 2009, I, Anamika Samanta, affirm that:

1. I am the Attorney-in-Fact under a durable power of attorney executed by Bharati R. Samanta, for herself and also as the Trusteee of the Bharati R. Samanta Living Trust, dated November 6, 1996, as it may be now or hereafter amended.

2. That such power of attorney is on the date of this affidavit in full force and effect in all respects.

3. That I have no reason to believe that this power of attorney has been revoked or that I have in any way been deprived of the authority granted in the said power of attorney to act in Bharati R. Samanta's behalf.

4. That I have no reason to believe that Bharati R. Samanta is no longer alive.

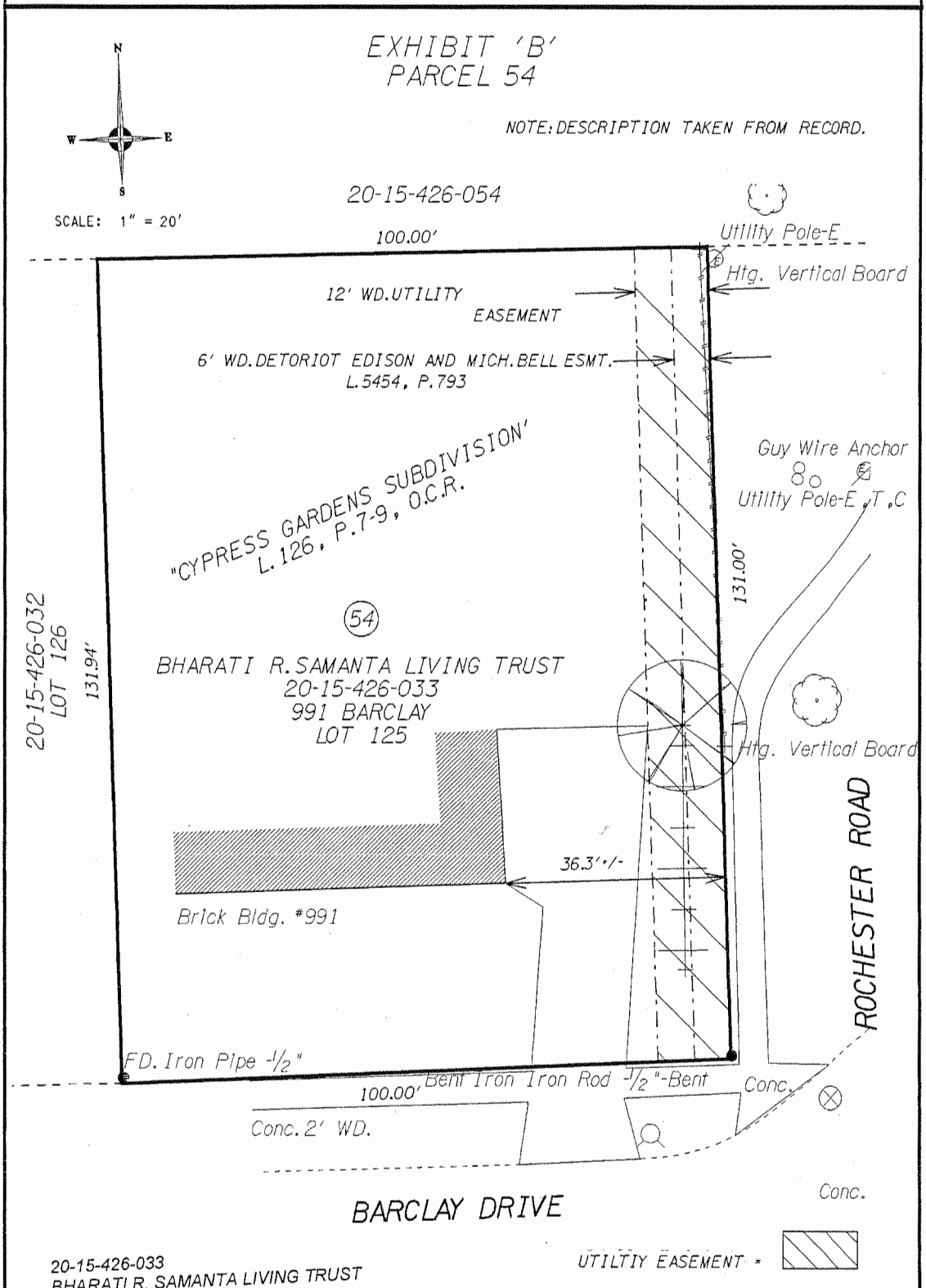
STATE OF New York)
) SS.
COUNTY OF New York)

On this 9th day of February, 2009, before me, a Notary Public, personally appeared Anamika Samanta, who executed the above Affidavit.

Notary Public, New York County, New York
My commission expires: Sept 26, 2009

LIANA M. GUZMAN
Notary Public, State of New York
No. 01GU6134062
Qualified in New York County
Commission Expires Sept 26, 2009

SKETCH OF EASEMENT



20-15-426-033
BHARATI R. SAMANTA LIVING TRUST
TOTAL AREA – 13,146 S.F.
PUBLIC UTILITIES EASEMENT – 1,573 S.F.

JOB NO. 19990476	HUBBELL, ROTH & CLARK, INC.	SHEET NO.
DATE 02-29-08	CONSULTING ENGINEERS 555 HULET DRIVE P.O. BOX 824 BLOOMFIELD HILLS, MICH. 48303-0824	2 OF 2

USER NAME = dhebert DESIGN FILE = F:\1999\199904\19990476\cadd\field\f990476_es54.dgn QUEUE = \\cpsvr\CPBWTIFF CLR. TBL. = I:\standards\MsV8\data\hrcoolor21bPEN TBL. = I:\XM\Plotting\V8plblack.plb TIME = 29-FEB-2008 16:05